Canadian Centre for Foreign Policy Development
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125 Sussex Dr. Ottawa, Ontario K1A 0G2

DECENTRALIZATION AND CHALLENGES TO UNITY: REPORT ON THE INDONESIA ROUNDTABLE 2001

Chris Dagg and Robert Anderson, Centre for Dialogue
Simon Fraser University

April 19-21, 2001
Vancouver, British Columbia

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Indonesia began one of the world's largest political and administrative experiments in January 2001, namely to decentralize governing authority from Jakarta to the districts. This occurs in the context of economic crisis and high political uncertainty. A Roundtable for Canadians with Indonesian experts was held to explore the challenges that decentralization poses to Indonesian unity, and to see if Canadian approaches to decentralization might be relevant.

The Current Situation

The Canadian keynote speaker described decentralization as "the largest political experiment in the world", conducted in a context of severe economic inflation and hardship, low value of the Rupiah, and weak leadership at the political centre. This translates into popular discontent over lower purchasing power and fewer job opportunities, and a sense of political drift under leaders who appear to lack a 'national vision'.

With over 17,500 islands and hundreds of linguistic and cultural groups, many vying for a greater role in the country and/or for more autonomy, the Government of Indonesia's response has been to decentralize programmes, budgets, and personnel to about 360 'kabupaten' (districts). Several new provinces and a large number of new districts have been created. New associations of districts and municipalities enable stakeholders to consult one another and the central government and to try to resolve problems and conflicts. Demands for separation in Papua and Aceh remain unresolved.

The quality of many regional officials is high. Provincial and kabupaten governments are attracting good people from Jakarta. In time, decentralization can bring improved government, once the initial problems are overcome.

It was noted that most Canadians still have very little knowledge about Indonesia. However, Canadian interest in developments in Indonesia and in investment remains high among those maintaining contacts with the country.

"Canada supports the national unity and territorial integrity of Indonesia because (based on our own experience) we support the development and continued existence of successful multi-ethnic/multi-cultural states, and of effective federations and decentralized governments. But this is not unqualified support. We continued to press the Government of Indonesia and other protagonists to respect human rights and seek peaceful approaches to resolving conflict."

The Indonesian keynote speaker said that the central government implemented decentralization (Law Number 22/1999) simultaneously throughout the country, whether or not districts were ready. The central government retained certain key powers in Jakarta, namely foreign policy, defence and security, judiciary, fiscal and monetary policy, strategic high technology, and human resource development (including universities). Provision exists for delaying the decentralization of powers in a particular field if districts are not yet ready to exercise them. However, all districts have said they are ready, whether they have the capacity or not. This new authority has given rise to a host of problems: xenophobia; local corruption; the rise of local authoritarianism; and a tendency to focus on regional assets in order to increase local revenue. At the district level the leaders are only thinking of the advantages for their own regions and themselves without thinking of the consequences for other regions and also for the nation. The

system needs adjustment. The central government needs to provide guidance and direction. As many as 197 implementing regulations need to be finalized. A special council is needed that will monitor the implementation of autonomy and decentralization. The responsibility of media is rising, to explore the method of implementation and raise critical awareness about how autonomy should be implemented. Attention is focused on events in the centre. "It is ironic that just when we need this broad new regional focus all our attention is fixed on leadership questions in Jakarta."

Decentralization seen from the centre

The authors of Law 22/1999 on Regional Autonomy and its accompanying Law 25/1999 on Balance of Financial Revenue Between Central and Regional Government were a group of experts, some of who had studied at the University of Hawaii. President Habibie championed the draft bill, to respond to the regions' demand for a greater role in their own government and for a greater share of regionally produced revenue. The date of implementation was set at January 1, 2001, more than 2 years after the bills were passed. Ryaas Ryasid, who, as State Minister for Regional Autonomy and Administrative Reform, was responsible for implementing the legislation, resigned shortly after the laws were to take effect, citing lack of governmental support for the measures and the absence of enabling regulations and oversight mechanisms. Apparently, Ryasid also wanted a full ministerial position, which might have given him the clout to deal with other ministers and departments who were dragging their feet on decentralization of departmental functions. "People immediately wondered if the central government was not fully committed to decentralization," said a participant. Principal among the concerns is that authority in most fields has been decentralized to the kabupaten (district) level, skipping over the provinces, which have been left with little authority other than to try to coordinate distinct policies. This was done ostensibly to get government closer to the people; it also was seen as a divide-and-rule mechanism, way of preventing the emergence of strong provincial power centres.

Some departments moved quickly to decentralize, others delayed putting the mechanisms in place to allow their programs to be administered locally and delayed the reassignment of civil servants from Jakarta to the regions. Large numbers are slated to move from Jakarta, but it is unlikely that they will be forced to do so. Few families, particularly those with children in school, want to move.

Demands for autonomy in Papua and Aceh are met by an oscillation between negotiations with key parties and increased military activity (as in Aceh) or trials of leaders (as in Papua). Special autonomy bills for Papua and Aceh are in preparation. They are unlikely to meet the aspirations of Papuans and Achense, and an effort is being made by a group of Papuan leaders to draft a counterproposal in the hope of finding a middle ground. If special status is offered to these two provinces, it is likely that other regions, particularly the resource-rich ones, will also demand special treatment.

Nationalists are anxious about the erosion (or disappearance) of strong nation-building programs. There are now 364 kabupaten and 32 provinces, and inter-regional relations are increasingly taking the form of 'bilateral' relationships between districts, provinces, and Jakarta. The central government provides little direction. The executive and parliament are preoccupied with a struggle for power. This is a parliament without a single strong party, but its upper house has the power to elect the President and Vice-President, so unified leadership is unlikely to emerge in the short term.

Questions asked by participants: In what form will the autonomy legislation and programme survive the political turbulence of the months since its inception in January 2001? "Is otonomi so risky it is intended to fail?" "Who would benefit from its failure?"

Decentralization seen from the regions

Autonomy is intended to bring government closer to the people, to give regions a greater share of natural resources revenue, and to give recognition to regional variations in

culture, history, resources, and aspirations. There is a tendency for people to see it as a return to a pre-Suharto golden era.

Serious problems flow from the way in which decentralization was deigned and applied, which reflected the Jakarta-centric, deterministic, uniform manner in which policy was prepared and implemented during the New Order, when inadequate thought was often given to how policies and programs could be implemented locally. In discussion, it was noted that Indian federalism was flexible and allowed for diverse relationships. The Philippines had undergone budgetary decentralization. Administrative and budgetary decentralization has been an issue since the 1980s in regional planning. What makes the Indonesian case different and much more complex is that financial decentralization has been coupled with political decentralization.

Jakarta has sought to carry out decentralization through a mechanistic systems approach. There is a need to change the paradigm. Successful decentralization cannot result from creating new homogeneous governmental systems. An approach is needed that allows regions to develop their own visions, develop their own resources, including human resources and their 'techno-infrastructure', to best advantage, and allows public participation through bottom-up mechanisms. Such local empowerment is needed, but with autonomy based on a bottom up expression of willingness that accepts diversity, interconnections among regions, and acceptance of belonging to a larger entity, in which each region plays it part and contributes based on its own resources. Universities can play a central role in mobilizing local resources.

Local patron-client relationships, and patronage among elites developed during the Suharto era remain. These relationships favoured some groups more than others, and included relatives of government officials, entrepreneurs, contractors, and businessmen. Where this resulted in local protest, dissent was squashed. Said one expert, "During Suharto's era any serious local opposition was repressed, often militarily. A unitary ideology was promoted [pancasila]. It was very difficult to organize opposition, because

organizations along ethnic, religious or regional differences were outlawed." Institutions to resolve differences peacefully and to redress past abuse are still lacking.

Now regional governments are focusing on natural resources, infrastructure, and other assets and how to monitize them. Interconnections among regions are being ignored. New political opportunities have suddenly arisen at the local level. "There is a saying", said one participant, that "when a group of people has not eaten or drunk for a long time, they care little about what the water or food look like, they just eat and drink." Diversity is being threatened. For example, most parts of Kalimantan and Sulawesi, as well as Sumatra, have heterogeneous populations, which in some areas are mixed 50/50. An unfettered return to local rule leaves migrants vulnerable to being treated as second class citizens, obliged to obey rules set by those now reclaiming "their house". The argument was made that decentralization should have stopped at the provincial level, on the basis that only provinces can plan on a sufficiently wide basis.

The argument was made that regional unrest arose primarily because of injustice, including the deterministic approach of central government. An argument can be made for a strong central government, given the diversity of Indonesia. Suharto's main failing was that he used power to centralize, to enforce uniformity and homogeneity and obedience to Jakarta. The principal issue is the quality of government, not the existence of a strong central government *per se* or the structure of the state. Decentralization cannot succeed if issues of injustice are not addressed.

Question asked by participant : "As local governments make new regulations and create new taxes, who is responsible if there should be an appeal against them?"

Decentralization and the Sources of Conflict

Struggles over land and resources (including marine) and other economic opportunities are at the source of many of the current conflicts. But the expression of each conflict is

unique to each place and time. How has this arisen historically? After Independence and during Sukarno's era, land struggles in Java and Sumatra resulted in occupation of land in former colonial plantations. In some cases 'local people' have recently reclaimed land that was 'bought and assembled' for modern plantations and other enterprises under the Suharto era, some with foreign involvement and ownership. Even where land is not as scarce as Java, resources, land and opportunities remain important sources of conflict.

The 1967 Forest Act licensed major forest extraction in outer islands through granting of forest concessions to commercial interests and political cronies. This practice abrogated or ignored customary land rights. People on the land were often deemed squatters, and extensive-use systems such as shifting cultivation were declared illegal. These populations were marginalized by these legal methods.

The 1974 and 1979 village and local government acts established one standard template for local government across Indonesia. This had the effect of ignoring or co-opting old customary institutions. During the 1970s sponsored or spontaneous migration occurred into newly opened areas. Access to inland areas improved, to the detriment of the original populations.

There was little room for criticism under Suharto, but a "safe space" for criticism and organized opposition emerged in the arena of environment and conservation. It became possible to make arguments against top down and extractive development that ignored local knowledge and trampled local rights. To some extent this was a dialogue among elites. Although the idea of local or aboriginal rights was not accepted by government, the issues of culture and conserving nature became safer terrain, and were supported (or promoted) by donor's agendas. This became harder and harder for the government to suppress.

Decentralization in its current mode raises the danger of creating new and damaging demands on land and other natural resources as local administrations see the need for

increased revenue. Emulating policy under Suharto, local officials could encourage commercial arrangements that are as injurious to the environment and to local rights as they were during the New Order.

Attempts by local officials to maximize benefits from local assets can create disputes among regions over access to resources, markets, and ports and other infrastructure; over control of water systems; over measures that create environmental damage in neighbouring regions.

A return to customary forms of government can result in the marginalization of migrant populations; this will lead to conflict. Participants said "There is an opportunity for a new kind of discrimination in decentralization, if only local or indigenous people assert the right to be leaders. There is a dangerous opportunity for rule by the mob." "This law reduces or eliminates the possibility of non-indigenous involvement in politics – was that its intention?" Some people are speaking as traditional leaders. "The authority of some leaders dates back to Dutch attempts to create local hierarchies. Most have little real constituency and little accountability."

One participant asked "what does 'indigenous' mean in some parts of Indonesia? Some groups have had a long history of movement and migration, others have not. And there is a long history of inter-marriage. In some local areas there is relative homogeneity, so there might not be an effort at cleansing. But in adjacent areas there are old very mixed populations. If conflicts occur and local governments in mixed areas put pressure on minorities to move, they may go to the more homogeneous area. "

"I know a place where the locals are reclaiming as theirs land *that they* themselves sold to outsiders. And these outsiders come from nearby, they are neighbours. These neighbours have shown the locals how prosperous one could be using this land. Is this not a recipe for further conflict?" asked another participant.

Not all conflicts are "vertical" conflicts, caused by past or current government actions or big business. Some have their roots in spontaneous migration, displacement of local people through legitimate land sales, or outside influences such as international markets that might cause land to be opened for new in-demand crops.

One million internally displaced persons throughout the country are making decentralized administration more difficult. There are human rights violations resulting in instability and ethnic/religious violence in Kalimantan, Aceh, Papua, and Ambon. Participants raised questions about what happens when the conflict is 'resolved' and forgotten by authorities: "These displaced persons may not 'go home' for a long time, so where will they fit into decentralization?" "We must not forget the role in some conflicts of jealousy and envy, of the bitterness of refugees in camps (internal displaced persons), the role of provocateurs, and the desire for revenge. These moods or attitudes or feelings play a definite role."

The territorial command structure of the TNI [military] is hierarchical, directed from Jakarta. This approach is at variance with decentralization. Separation of Police from TNI allowed military to place the police in front line responsibilities, and to allocate the liability, risk and blame of performance to flow to the poorly trained and equipped police. There is the sense that the army is waiting for civilian government to fail. Already, some people weary of conflict and political wrangling pine for the stability that was provided by the New Order. "In some cases units of the police or army have become polarized, and have sided with one of the opposing sides in a conflict" observed a participant.

Decentralization does not mean democratization. On the whole people do respect pluralism and are tolerant of other ethnic groups, religions, and cultures. A democratic, pluralistic government that can guide decentralization is needed. So long as some people see decentralization as an opportunity to take control, the danger of conflict will exist. New approaches are needed that make for cooperation among regions, not competition.

Financial incentives can be used to promote national unity. There needs to be some ground rules for local initiatives and pressures to maintain common standards.

Currently, NGOs are at the forefront of conflict management. But, the question was posed, can civil society hope to handle conflict in the absence of an organized state in which the law is enforced? Even traditional mechanisms for conflict resolution are insufficient in the absence of a state system that can, if all else fails, enforce the law.

Economics and Business

In the Suharto patronage system one saw alliances between government and capital at all levels. These relationships excluded local populations from many government jobs and contracts. Contracts for supply of local material (children's school shoes, for example) were set by Jakarta, and often awarded to favoured areas or firms. This patronage slowly skewed ethnic development so that particular migrant groups could be favoured while other less mobile groups were disadvantaged. This planted the seed for future conflict.

"There were pilot projects on local planning run by Bappenas and a 'regional autonomy' project in the Ministry of Finance in the 1980s. There was even some resistance to these ideas because local governments liked getting grants from the Centre. There was a kind of re-distribution in which local governments took part, though clearly it was insufficient" said an observer.

There is a loss of confidence in banking institutions due to wide publicity about corruption, the extraordinary amount of outstanding unpaid loans, and the sharp rise in interest rates. Inflation increased 2.2% since January 2001, and in March 2001 was 10.5% compared to 1.1% in March the year before.

The Rupiah fell 50% in value during the 17 months in which President Wahid has been in power. Both the World Bank and IMF consider Indonesia's economy to be at significant risk. Government debt has approximately reached 110% of GDP, and the fiscal deficit

forecast has been increased from 3.7% to 5.8% for 2001. All of this has consequences for decentralization.

Inadequacy of fiscal equalization formula may aggravate tension between have and have-not units, and this further undermines unity. Previously these have/have-not relations were dealt with directly from Jakarta, now these relations involve neighbours and they must be dealt with directly.

Bupatis need revenues and need investors, so they are tempted to cut large scale deals in the old ways, giving assurances to Jakarta and investors of local peace and order. Investors make agreements with local governments, and then find that groups appear who say the local government does not speak for them.

A participant said "the Old New Order politics have become regionalized, but I do not think they have been reversed."

Questions asked by participants: "Is decentralization now like deregulating the banks a few years ago? Then there were 16 banks and this blossomed to 200 banks, and it was clear that there was simply not that much capacity in the whole country. Is that what is happening in decentralization?"

"Who at the local level knows where the money comes from?" The question arises when local government tries to raise its own taxes.

"I think the big businesses have stopped growing, or maybe are contracting. It is SMEs that are the engine of growth. And this coincides with decentralization. SMEs will be stimulated by decentralization."

There are five prerequisites to the restoration of investor confidence: transparency of rules and institutional relationships; dependable legal and court systems; controls on

corruption; recognition of what constitutes good corporate governance; and certainty in the political and economic spheres.

The role of media

News must be generated at the local level, and must make sense to the local audiences/readers. Media groups are currently trying to train and establish effective local correspondents. But the fact is that the reading population is stable, not growing. Media outlets have to reach down to the high schools to find new readers. Television is the growing medium, and it does not do a good job of explaining conflict.

Newspapers have taken a role in explaining conflict, and some editors work against the popular simplified explanations that appeal to many, including international agencies. Media is active in other ways For example, the Kompas Group raised R 3 m for assistance in the recent Kalimantan conflict. This included seeds for gardens and boats for fishing.

In such conflict areas as Ambon some media try to practice 'peace journalism' which tries not to exploit differences, does not shy away from reporting difficult facts, and tries to portray the benefits of living together successfully. But it is very difficult to find the journalists who can manage this type of work

Media can present the experience of autonomy in other countries, both positive and negative. Media should highlight the deviation from expected standards in implementing decentralization in Indonesia. "The pendulum is swinging from one extreme to the other" said a participant.

Canadian Experience

The 200 year Canadian experiment in confederal/federal system building still faces many challenges, but the complexity of Indonesia's new system appears to be of an order of magnitude greater than that of the Canadian system. Nevertheless, the structured tension between municipal, aboriginal, provincial, territorial, and federal governments – and the Canadian ways of dealing with those tensions -- are not irrelevant in this context.

But a caution arises in the minds of the older Indonesian generation who saw the Dutch experimenting with federalism in order to keep maintain a foothold in the final years of colonialism. This experience is more recent in eastern Indonesia, where some people wonder if the new talk of 'federalism' is intended simply to keep Indonesia together. These are the people thinking about autonomy and then separation. So there is a parallel experience in Canada.

Canada has tried a number of tools and built a number of models. It is not a pure system; it is a mixture of a federal "unity" model and a confederal "autonomy" model. It has an evolving approach, involving endless negotiation. "We will never remove the tension from the system, it has been there for 200 years."

As in Canada, federalism and decentralization have acquired alternate meanings in different regions of Indonesia.

Some Canadian experts observed that "Indonesia has little hold on the public imagination in Canada now." "There used to be bankers and businessmen in Canada carefully watching what happens. Not now." Canadian direct investment in Indonesia is currently $7 billion, and there is little new investment.

Challenges

At the centre: There is a need for strong central leadership to provide the nation a sense of direction with which decentralization can be managed. Participants remarked that "I

think the army knows not to interfere now. People know that 'otonomi' is inevitable, and it will move right down to the grass roots. It is happening in my own province. But this is a very long term process, and may take a generation." The most important priorities are the economy and establishing the rule of law.

In the regions: New forms of local government are needed that are pluralistic and democratic, based on respect for human rights, and that are capable of dealing with New Order financial imbalances, frustrations, and legacies of patronage and marginalization. Decentralization is probably the effective way to do this, but it has to deal with years of bitter history and institutional disarray. The risk contained in autonomy is the ethnicization of politics and land and resources struggles, so that security for some poses insecurities for others. An expert asked if "customary procedures for incorporating "guests" can be extended to large migrant populations who move to new territories? Is the language of guests and hosts an appropriate language for envisioning citizenship in new territories? Indonesia has so far stayed away from attaching rights to identities (at least in theory, even if the practice has sometimes been to show favourites). Abandoning this principle is dangerous indeed".

"Indonesia is a collection of maritime states," participants agreed. So there is decentralized competition of various jurisdictions and authorities for marine resources like oil and fish, and the responsibility for marine pollution is very complex. And fish are a moving resource. For example, there is currently a 3-mile limit for districts, 12 miles for provinces, while the rest is regarded as national waters.

Donor agencies: No discussion of decentralization should occur without reference to donor assistance. The German GTZ is providing the major support for programme implementation. CIDA is providing eight long-term advisors for decentralization. Some observers are of the opinion that some foreign experts, like some of the Indonesian authors of regional autonomy, bring to decentralization a deterministic systems approach, where the model is deemed to be correct and if it is not applied, fault is found in those

expected to implement it. To the extent this view is held, it ignores the axiom that the measure of a good plan is the degree to which it can be implemented. It also ignores the human factor, and the fact the decentralization is really about the redistribution of power.

Some see the need for a change in donors' mind set. Capacity strengthening in the regions should be given more attention, as does such systemic reform as legal and judicial reform, civic education, or improving the police. Program, not project, approaches are needed. Donors need to step back from immediate problems and focus on systemic issues. Universities provide one viable entry point.

Concluding thoughts of participants: "Are we watching the slow motion disintegration of the Indonesian state?" "No, I think this will have a uniquely Indonesian resolution." " "We have enough *rules and structures* in Indonesia. Our problem is implementation." "Will regions *elect to return* to former systems of government, like rajahs and kingdoms? Is there a risk of simply moving despotism downwards?" "Can decades of injustice be reversed through decentralization, *without creating* new injustices?"

Policy Options for Canadians and Canada

The Roundtable discussed *three types of options*: enhancing awareness and deepening Canada's involvement in the regions of Indonesia, particularly eastern Indonesia; continuing to help build capacity for regional development and governance; helping to reduce the isolation of eastern Indonesia from the rest of the world (including from Jakarta).

1 Canada and Canadians have had an involvement in rural Indonesia going back to the 1970s. In some regions this has given Canada a special status, and often a special welcome for most Canadians. This is true in a number of regions of eastern Indonesia, including Irian/Papua. If Canadian

understanding of Indonesia has declined, it has not disappeared. But it needs to be reinforced. Through special gatherings in Canada and dialogue in Indonesia we can sustain the value of this relationship in which so much has been invested.

2 In the delivery of ODA, programme not project approaches are needed. Donors should step back from immediate problems and focus on longer term systemic issues like decentralization. Universities, local government, and NGOs and small businesses provide viable entry points. At the same time the excellent Canadian understanding of issues at the centre should be maintained. The relationship of the regions with the centre will become more important, and institutional arrangements will need to adjust to the new realities.

3 Capacity strengthening for administration and governance in the regions should be given more attention. This could also include such systemic reform as legal and judicial reform, and improving the police. Building capacity for communication (and reducing the digital divide) in eastern Indonesia would be an objective very familiar to Canadians. This would help this region further to 'internationalize'.

4 Canada should make available its experience on regional resource issues, particularly where fish, timber, mining resources lies in cross-jurisdictions. Because Indonesia is a collection of maritime states there is decentralized competition of various jurisdictions and authorities for marine resources like oil, and the responsibility for marine pollution is very complex. Canada has long experience with how mining investment can spur positive regional and local development while being properly regulated. A local framework for resource development can be as valuable as a national one.

5 Canadians could assist the private sector and local governments in resolving the question of what constitutes good corporate governance. Canada has long experience with the structured tension between municipal, aboriginal, provincial, territorial, and federal governments. Canadian ways of dealing with those tensions reveal they are inherent tensions, and not simply a threat to the state. Emphasis on negotiation and dialogue is a useful counterpart to the tensions of decentralization. Canadian support for decentralization could emphasize that Indonesia would be stronger in the long run as a result of this process.

Indonesia 2001: Decentralization and Challenges to Unity

List of Participants

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Killaine Sharman
Asia Pacific Foundation of Canada

Ken Sunquist
Canadian Ambassador to Indonesia

Gulzar Samji
Canadian Institute of Community Development

Tania Li
Dalhousie University

Richard Ablett
Foreign Affairs and International Trade

Radi Gany
Hasanuddin University (Indonesia)

Suryo Pratomo
Kompas Daily Jakarta

Gregory Cran
Royal Roads University

Robert Anderson
Simon Fraser University

John Chant
Simon Fraser University

Christopher Dagg
Simon Fraser University

Earl Drake
Simon Fraser University

Michael Stevenson
Simon Fraser University

Geoffrey Hainsworth
University of British Columbia

Michael Leaf
University of British Columbia

Terry McGee
University of British Columbia

Lorna Wright
York University

Dawn McLean
Canadian Centre for Foreign Policy Development

Canadian Centre for Foreign Policy Development
Centre canadien pour le développement de la politique étrangère

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